

REMARKS

Entry of the present Amendment is respectfully requested. Claims 2, 5, 6, 17, 19, 20, and 25 have been amended. Claims 1, 4, 16, 23, and 24 have been canceled. Claims 2, 3, 5-15, 17-22, 25, and 26 are pending in the Application, with claims 5, 7, and 25 being in independent form.

Applicant wishes to thank the Examiner for her time and consideration given during the telephone interview with Applicant's representative conducted on January 12, 2004. During the telephone interview, Applicant's representative and the Examiner discussed U.S. Patent No. 3,003,299 to Smith (hereinafter the Smith '299 patent). In particular, Applicant's representative disagreed with the Examiner's assertion that the structure labeled with reference numeral 32 in the Smith '299 patent can be characterized as a "U-joint." In the telephone interview, the Examiner agreed with Applicant's representative that the Smith '299 patent does not disclose the "U-joint" recited in Applicant's claims.

In the Office Action of November 10, 2003, the Examiner indicated that claims 5, 12-15, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 has been rewritten in independent form and should therefore, be in condition for allowance. In addition, claims 2, 3, and 6 depend from independent claim 5 and should therefore, also be in condition for allowance. As for allowable claims 12-15 and 26, Applicant submits that these claims now depend from allowable claims, as discussed in further detail below.

In the Office Action, the Examiner rejected claims 7-11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,003,299 to Smith (hereinafter the Smith '299 patent). During

Application No. 10/046,886

the telephone conference with Applicant's representative on January 12, 2004, the Examiner indicated that the rejection of claims 7-11 is withdrawn because the Smith '299 patent does not disclose the "U-joint" recited in claim 7. Therefore, Applicant submits that claims 7-11 are in condition for allowance.

In the Office Action, the Examiner rejected claims 1-4 and 6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,960,811 to Roesel (hereinafter the Roesel '811 patent) in view of U.S. Patent No. 5,035,107 to Scarborough (hereinafter the Scarborough '107 patent). As discussed above, Applicant has canceled claims 1 and 4 and has amended claims 2 and 6 so that claims 2, 3, and 6 now depend from allowable independent claim 5. Therefore, Examiner's rejection of claims 1-4 and 6 is now moot, and claims 2, 3, 5, and 6 are in condition for allowance.

In the Office Action, the Examiner rejected claims 16-25 under 35 U.S.C. 103(a) as being unpatentable over the Smith '299 patent in view of U.S. Patent No. 3,221,482 to Cowling (hereinafter the Cowling '482 patent). Applicant has rewritten claim 25 in independent form. Claim 25 recites a drive shaft that includes a "U-joint" disposed at the intersection of two pivot axes of the mowing deck. The Examiner indicated in the telephone conference of January 12, 2004, that neither the Smith '299 patent nor the Cowling '842 patent discloses the "U-joint" recited in claim 25. Therefore, Applicant submits that independent claim 25 is now in condition for allowance. Claims 16, 23, and 24 have been canceled and claims 17, 19, and 20 have been amended to depend from independent claim 25. Therefore, claims 17-22 and 25 now depend from claim 25 and should therefore, be in condition for allowance.

Application No. 10/046,886

In view of the foregoing, Applicant submits that the claims are now in proper form, and that all of the pending claims are patentable over the prior art. Accordingly, issuance of the Notice of Allowance is courteously requested. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By:



Kameron D. Kelly, Reg. No. 44,181
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
(816) 474-9050

ATTORNEYS FOR APPLICANT

(Docket No. 31936)